

## REMARKS

Claims 1 – 3 and 16 – 30 remain in the application and stand rejected. Claims 4 – 15 are previously canceled without prejudice. New claims 31 and 32 are added herein. Although this proposed Amendment is being timely filed, the Commissioner is hereby authorized to charge any fees that may be required for this paper or credit any overpayment to Deposit Account No. 19-2179.

The MPEP provides in pertinent part “the examiner should always look for enabled, allowable subject matter and communicate to applicant what that subject matter is at the earliest point possible in the prosecution of the application.” MPEP 2164.04.

New claims 31 and 32 are added herein and are supported by claim 1 and by the specification at page 2, lines 21 – 23 (“It is yet another object of the invention to collect, extract, and calculate data from applications to provide a set of reports expressing levels of service achieved during a defined period, key performance indicators, and transaction volumes.”). No new matter is added and this is neither shown nor suggested by any reference of record. Independent consideration of new claims 31 and 32 is respectfully requested.

Claims 1 – 3 and 16 – 30 are rejected under 35 U.S.C. §102(b) over published U.S. Patent application number 2002/0123983 to Riley et al. The rejection is respectfully traversed.

In responding to remarks in the previously filed Amendment after final, that Riley et al. fails to teach “generating an integrated services report from said standard tables,” (claim 1); the Office action asserts that “*Riley discloses 0137 that the an **assignment to a high level** is made through a notification. The notification can be interpreted to be an integrated services report. That that [sic] priority is determined by impact. That the impact is disclosed in Figure 8.*” Page 10, 6.A. (italics original, emphasis added). Based on this, the Office action concludes that “*generating an integrated services report (notification) from said standardized tables (figure 8) is disclosed.*” *Id* (italics original).

A service desk operator, Tier 1 personnel, may attempt to resolve the problem 43, possibly by checking for solutions in a central service desk repository or database 22. If the Tier 1 personnel cannot resolve the user's request or problem on the spot, the request may be placed into a queue for assignment 44. **The person assigned to the problem (assignee)** then attempts to resolve the problem 45, possibly with assistance from the service desk knowledge repository 22 or other resources available to the assignee.

Riley et al., paragraph 0094 (emphasis added). “FIG. 9 is a process for resolving service requests by a first tier operator. . . . If the agreed-upon time, or a target time has been exceeded, the Tier 1 operator may then document the steps taken 95, and request **assignment** of the problem to a **higher tier operator 44**.” Paragraph 0136 (emphasis added). “**An assignment** to a high level is made through a notification. **Automatic notification** may happen in a number of ways, such as e-mail, pager, or service desk tool-set applications, such as a pop-up window delivered to **Tier 2 or Tier 3 personnel**.” Paragraph 0137 (emphasis added). Assigning a task to personnel and then notifying the personnel does not constitute an integrated services report as recited in the claims, at least not given a reasonable interpretation of either “an integrated services report” or a “notification.” *See*, MPEP, §2111, “Claim Interpretation; Broadest Reasonable Interpretation.” Moreover, “FIG. 11 is a flowchart for a process 44 of assigning service requests if a service desk operator cannot handle the call on-line.” Paragraph 0139. It is clear from Riley et al. Figure 11, that the notification is not a report and certainly not an integrated services report.

While Riley et al. paragraph 0096 does discuss storing “Lessons learned or other valuable tips or knowledge . . . in the service desk repository 22 or other database for future use” and gathering “Reports or statistics . . . as part of the service request closure,” and at some unspecified time, *crafting* “Other reports . . . from a compilation of request closures, e.g., number of times a user requests help, number of times a program or application requires assistance, and the like;” this fall far short, and does not teach, the present invention. Instead, this is more a statement of the problem addressed by the present invention, i.e., “there is a need to implement a system and method to integrate and categorize data quickly, so the health of the system can be tracked in real-time or near real-time, and/or to allow a determination to be made quickly whether a problem needs to be addressed.” Page 1, lines 30 – 33; *and see*, page 2. Certainly it is not in real time or near real time as recited in claims 22, 23, 29 and 30.

Further, “FIG. 8 is a chart 80 listing examples of impact of an affected process.” Riley et al., paragraph 0122. “In the ‘Assign Priority to Service Request’ process step 69 [of figure 7], the operator analyzes the service request in order to prioritize it. ... The type of information necessary for assigning priority can include: The service request’s **impact** ... The criticality of the business function **affected** ... .” Paragraph 0116 – 119 (emphasis added). Clearly this table has nothing to do with the assignment of personnel or the notification of assigned personnel; and moreover, it is not used to generate the notification. Therefore, even if the notification were an integrated services report, Riley et al. does not teach it being generated from a standard table or “standard tables,” nor from “mapped data.” Therefore, Riley et al. fails to teach the present invention as recited in claims 1 and 2. Reconsideration and withdrawal of the rejection of claims 1 and 2 under 35 U.S.C. §102(b) is respectfully requested.

Moreover, dependent claims include all of the differences with the references, as the claims from which they depend. MPEP §2143.03 (“If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).”). Therefore, Riley et al., alone, or further in combination with any other reference of record, fails to teach, result in or suggest the present invention as recited by claims 3 and 16 – 32, which depend from claims 1 and 2. Reconsideration and withdrawal of the rejection of claims 3 and 16 – 30 under 35 U.S.C. §102(b) is respectfully requested.

The applicants have considered the other reference cited, but not relied upon and find it to be no more relevant than the references upon which the rejection is based.

The applicants thank the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance for the reasons set forth above, the applicants respectfully request that the Examiner consider new claims 31 and 32, reconsider and withdraw the rejection of claims 1 – 3 and 16 – 30 under 35 U.S.C. §102(b) and allow the application to issue.

The applicants have previously noted that MPEP §706 “Rejection of Claims,” subsection III, “PATENTABLE SUBJECT MATTER DISCLOSED BUT NOT CLAIMED” provides in pertinent part that

If **the examiner** is satisfied after the search has been completed that patentable subject matter has been disclosed and the record indicates that the applicant intends to claim such subject matter, he or she **may note** in the Office action that **certain aspects or features** of the patentable invention have not been claimed and that if properly claimed such claims **may be given favorable consideration**.

(emphasis added.) The applicants believe that the matter presented in the written description of the present application is quite different than, and not suggested by, any reference of record. Accordingly, should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney at the telephone number listed below for a telephonic or personal interview to discuss any other changes.

Respectfully submitted,

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(Date)

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